

October 13, 1998

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. **CALL TO ORDER**

The Torrance City Council convened in an adjourned regular session at 5:30 P.M. on Tuesday, October 13, 1998, in the City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Cribbs, Lee, Messerlian, Nakano, O'Donnell, Walker and Mayor Hardison

Absent: None.

Also Present: City Manager Jackson, City Attorney, City Clerk Herbers and other staff representatives.

*

Agenda Item No. 20 was considered out of order at this time.

20. **EXECUTIVE SESSION**

At 5:32 P.M., pursuant to Government Code Sections 54957.6, 54956.9(a) and 54956.8, the Council entered into a closed session to confer with the City Manager and the City Attorney on the agenda matters listed under Item Nos. 20a (Conference with Labor Negotiator), 20b (Conference with Legal Counsel - Existing Litigation) and 20c (Real Property Conference with Real Property Negotiator).

At 7:10 P.M., the Council returned to open session. No action was taken in closed session. However, action was taken later on Item Nos. 13a (MOU Re TME-AFSCME Local 1117 and the TLEA) and 13b (New Financing Re Rolling Hills Plaza).

*

The regular meeting of the City Council convened at 7:10 P.M. Agenda Item No. 1 (Call to Order/Roll Call) was considered prior to closed session (see above).

2. **FLAG SALUTE/INVOCATION**

Boy Scout Troop #310, Bruce Maass, scoutmaster, led the Pledge of Allegiance.

Pastor Siegfried Neuendorff, Seventh-Day Adventist Church, gave the invocation for the meeting.

Wendy Selogie
Recording Secretary

City Council
October 13, 1998

3. **AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

MOTION: Councilmember Lee moved to receive and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

MOTION: Councilmember Lee moved that, after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

4. **WITHDRAWN/DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS/ANNOUNCEMENTS**

City Clerk Herbers announced that individuals are still needed to work at Torrance polling locations for the upcoming election on Tuesday, November 3, 1998.

Councilmember Lee mentioned that the Government Finance and Operations Committee will meet in the near future, date yet to be determined.

6. **COMMUNITY MATTERS**

6a. **PROCLAMATION RE "PTA MEMBERSHIP ENROLLMENT MONTHS"**

The Council presented a proclamation declaring the months of September and October 1998 as "PTA Membership Enrollment Months" in the City of Torrance.

Ms. Carol Grewal, Torrance Council of PTA Membership Chairman, related the PTA's appreciation of the City Council's support. She encouraged enrollment in the PTA and distributed West High School PTA membership cards to the Council.

6b. **CONFIRMATION OF TORRANCE YOUTH COUNCIL APPOINTMENTS**

The Council confirmed the appointment of Jessica Berler and Eunice Kang, At Large; Nick Chatman, Bishop Montgomery High; Justin Han and Mariko Tran, California Academy of Math and Science; Rosie Haq and Kavita Tekchandani, El Camino College; Jane Kim and Paul Seo, South High; Amenda Kim and Ann Tsai, West High; Charles Leone, Shery High; and Peter Shih, Torrance High as 1998-1999 Torrance Youth Council members. The Youth Council members introduced themselves, after which they were sworn in by City Clerk Herbers.

7. **CONSENT CALENDAR**

7a. **PURCHASE OF FOUR 1999 HONDA ACCORD AUTOMOBILES**

Considered separately (see below).

7b. **REVISED CLASS SPECIFICATIONS FOR THE LIBRARY SERIES**

Recommendation

The Human Resources Director and the Civil Service Commission recommend that the City Council approve the revised class specifications for the Library Series.

7c. **1999 AIR FAIR**

Considered separately (see page 4).

MOTION: Councilmember O'Donnell moved for the approval of Consent Calendar Item No. 7b. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

*

Items considered separately from the Consent Calendar were as follows:

7a. **PURCHASE OF FOUR 1999 HONDA ACCORD AUTOMOBILES**

Recommendation

The Acting Fleet Services Director recommends that the City Council authorize a purchase order be issued for an anticipated amount not to exceed \$89,056.12 to Kramer Motors, Inc., Santa Monica, CA, for the purchase of four (4) 1999 Honda Accords.

Councilmember Messerlian explained that he pulled this item from the Consent Calendar due to his opinion that it should be re-bid to obtain bids from parties who are more responsible and that an effort should be made to utilize City-based businesses.

City Manager Jackson confirmed that the item could be re-bid. He advised that there appears to be a consistent problem with local automobile dealers not responding to Requests for Proposals (RFPs) from the City and that this situation might be used as a means of examining the problem.

Councilmember Cribbs related her lack of understanding as to why there appears to be support for sending this item out for re-bid when, at a previous meeting, the Council supported going forward with an item similar to this that involved only two vendors.

Councilmember Walker noted that an approval of this item would not prohibit staff from looking into why local automobile dealers are not more aggressive in bidding RFPs from the City.

Councilmember Lee stated his feeling that, particularly for automobile repair reasons, it would be appropriate to use local vendors; that this would be a good opportunity to build a rapport with local businesses; and that it would be appropriate to send this item out for re-bid.

City Attorney Fellows advised that, should the Council wish to send this out for re-bid, it would be necessary to reject all bids and to direct staff to send it out for re-bid.

MOTION: Councilmember Lee moved to reject all bids and to direct staff to send Agenda Item No. 7a (Purchase of Four 1999 Honda Accords) out for re-bid. The motion was seconded by Councilmember Messerlian and ultimately passed by a majority roll call vote as reflected below.

Prior to roll call vote, Councilmember Messerlian stated his feeling that the City should encourage local businesses by giving its business to them and, therefore, this should be re-bid.

Mayor Hardison related her understanding that the item considered at a previous Council meeting that was referred to earlier in this discussion involved the selection of an individual from one of two firms, and not a bidding process. She commented on her lack of comfort with having only two bids and indicated that she could go along with sending this item out to re-bid; but, as a general rule, she would not support such a process in the future.

*

At 7:30 P.M., Councilmember O'Donnell departed the meeting.

*

The motion was passed by a 4-2 majority roll call vote, with Councilmembers Cribbs and Walker dissenting and Councilmember O'Donnell absent.

7c. **1999 AIR FAIR**

Recommendation

The Airport Commission requests that the Torrance City Council approve the Torrance Air Fair Association (TAFA) as the sole source sponsor for the 1999 Air Fair on July 10 and 11, 1999 as per the Air Fair Agreement.

Mayor Hardison explained that she asked to pull this item from the Consent Calendar to make a pertinent statement after the roll call vote.

MOTION: Councilmember Lee moved for the approval of Agenda Item No. 7c (1999 Air Fair). The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote absent Councilmember O'Donnell.

*

Councilmember O'Donnell returned to Council Chambers at 7:35 P.M.

*

City Attorney Fellows affirmed that it would be acceptable for Councilmember O'Donnell to cast a vote relevant to this matter.

The vote for the approval of Agenda Item No. 7c (1999 Air Fair) was modified to reflect that it passed by unanimous roll call vote.

Mayor Hardison explained that she is generally in favor of the Torrance Air Fair; however, an effort should be made to ensure that it does not become an air show in the future.

*

13. **ADMINISTRATIVE MATTERS**

13a. **MOU RE TME - AFSCME LOCAL 1117 AND TLEA**

Recommendation

Recommendation of the City Manager that the City Council adopt the 1998-2000 TME-AFSCME, Local 1117 and Torrance Library Employees Association (TLEA) Memorandums of Understanding (MOUs).

City Clerk Herbers read aloud the number and title of Resolution No. 98-133.

MOTION: Councilmember Nakano moved for the adoption of Resolution No. 98-133. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

RESOLUTION NO. 98-133

A MEMORANDUM OF UNDERSTANDING SETTING FORTH THE HOURS, WAGES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY TORRANCE MUNICIPAL EMPLOYEES - AFSCME, LOCAL 1117

City Clerk Herbers read aloud the number and title of Resolution No. 98-134.

MOTION: Councilmember Nakano moved for the adoption of Resolution No. 98-134. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

RESOLUTION NO. 98-134

A MEMORANDUM OF UNDERSTANDING SETTING FORTH THE HOURS, WAGES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY TORRANCE LIBRARY EMPLOYEES ASSOCIATION (TLEA)

13b. **NEW FINANCING RE ROLLING HILLS PLAZA**

Recommendation

A recommendation of the Land Management Team that the City Council authorize the Mayor to execute and the City Clerk to attest to the following:

1. Consent to encumbrance in favor of General Electric Capital Corporation for the purpose of securing a first trust deed;
2. Consent to encumbrance in favor of General Electric Capital Corporation for the purpose of securing a mezzanine loan;
3. Estoppel certificate relating to the operation and easement agreement for Rolling Hills Plaza;

4. Certificate of lease certifying that the lease documents are current and complete; and
5. Letter correcting scrivener's errors in Section 8.c. of the master lease;

all relating to the property located at the corner of Pacific Coast Highway and Crenshaw Boulevard, known as Rolling Hills Plaza.

MOTION: Councilmember Lee moved for the approval of the staff recommendations based on discussions in closed session, with the following provisos: that the FAA's sign-off on compliance with the height requirements contained in the lease shall be obtained; that the Torrance Fire Department's approval of the L.A. County Hazmat Remediation Plan shall be obtained; and that both consents to encumbrance shall be modified to delete the language regarding the Chevron/Murvale lease and, in its place, the language regarding the Chevron/Murvale lease from the consent to encumbrance of the existing loan dated February 7, 1998 shall be inserted. The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote.

13c. **ASSIGNMENT OF LEASE AND SUBLEASE FOR TORRANCE MITSUBISHI**

Recommendation

A recommendation of the Land Management Team that the City Council authorize the Mayor to execute and the City Clerk to attest to the consent to assignment of lease and sublease by and between the City of Torrance; R. Williams, Inc., a California Corporation; Mitsubishi Motor Sales of America, Inc., a California Corporation; and James Speck, an individual; Mike Ernst, an individual; and Henry Fredericks, an individual, for the property located at 3131 Pacific Coast Highway in Torrance, known as Torrance Mitsubishi.

MOTION: Councilmember Lee moved for the approval of the staff recommendation. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

14. **HEARINGS**

14a. **APPEAL RE PRE 98-0006: TOMARO ARCHITECT**

Recommendation

Approval of the project as recommended by the Planning Commission.

Mayor Hardison read aloud from a prepared statement announcing that this was the time and place for the public hearing.

City Clerk Herbers verified that this item was properly advertised.

With the assistance of slides, Senior Principal Planner Gibson presented the staff report. He advised that some of the houses on Calle de Andalucia are outside of the Hillside Overlay District and, therefore, were not required to go through the precise plan process; that the project

Wendy Selogie
Recording Secretary

City Council
October 13, 1998

meets the City's lot coverage and floor area ratio (FAR) requirements; and that the existing project silhouette accurately reflects the plan before the City Council this evening.

Councilmember Nakano observed that there are a number of two-story homes in this neighborhood.

At the request of Mr. Nakano, Senior Principal Planner Gibson provided input on the size of various existing two-story homes in the neighborhood. He shared information about the slope of the subject property.

On behalf of the property owner, Mr. Louis Tomaro, project architect, explained efforts to mitigate neighboring residents' concerns, including lowering the height with a flat section in the middle of the house, moving it about two and one-half feet further into the slope and reducing the square footage.

Ms. Neoma Muzik, 238 Calle de Madrid, stated that, when she purchased her home, she paid a premium for the view. She asked that the project be redesigned and that a tree on the applicant's property be trimmed to preserve her view.

Ms. Sally Lewis, 244 Calle de Madrid, expressed her concern over the potential impact of the project on her privacy, harmony and view.

Mr. Garrett Stone, 248 Calle de Madrid, appellant contended that, contrary to information in the staff report, the project would impact views, light and air, privacy and property values; recommended that the project be re-designed to be built down to street level similar to the existing home at 309 Calle de Andalucia; and related his understanding that the project would be approximately 2.3 times larger than 75% of the existing homes in the neighborhood. He voiced concern over the substantial devaluation of his property should the project be approved and noted a petition signed by approximately 48 residents opposing the project.

At the request of Mr. Stone, Senior Principal Planner Gibson provided clarification concerning discrepancies in the height of the project as reflected in the silhouette certifications. He explained that the discrepancies have to do with the measurements of the actual height of the silhouette versus a fixed point on the street compared to the measurement of the house on grade and its lowest point adjacent thereto. He clarified that, when the silhouette was certified for the City Council's consideration of this project at a previous meeting, the applicant was directed to lower it seven inches to meet the certification requirements; that the fixed point on the street is an arbitrary benchmark from which to begin measuring the relative height of the silhouette (and not an accurate measurement of the elevation above sea level); that, should the applicant be required to lower the project, drainage problems would arise.

Referring to numerous advertisements of homes for sale, Mr. Richard Lederhaus, 216 Calle de Madrid, came forward to comment on the increased value of properties having views and on the piecemeal obstruction of views, light and air and privacy related to homes in the subject neighborhood. He indicated that, even though the project would not impact his property, what affects his neighbors at this time might affect him in the future.

Mr. J. D. MacKinnon, Jr., 329 Calle de Andalucia, living immediately west of the subject property, related his acceptance of the project as presented in the silhouette. He stated his dissatisfaction with living next to a vacant house in that it could be subject to vandalism and arson and he asked that the tree between his home and the subject property be retained.

Ms. Janet MacKinnon, 329 Calle de Andalucia, expressed her concern over the piece meal obstruction of her view due to trees.

MOTION: Councilmember Lee moved to close the public hearing. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

Following inquiries from the Council, Senior Principal Planner Gibson provided information with regard to the home at 309 Calle de Andalucia. He confirmed that a portion of it was built into the slope and that there was grading to prevent certain portions from being “underground.”

Councilmember Walker stated his concurrence with an approval of the project as recommended by the Planning Commission. He voiced his impression that the view impairment resulting from the project would not be significant; that the appellant apparently feels that any view impairment would be unacceptable and there is not a lot of room for modifications in that the project would be only one and one-half feet above the grade and it would have the minimum legal drainage; that the height of the project has been greatly reduced and a further reduction in the square footage would not be of great benefit; and that the project would enhance the neighborhood. He offered the following motion.

MOTION: Councilmember Walker moved for the denial of the appeal, thereby approving PRE 98-0006 (Louis Tomaro) as recommended by the Planning Commission. The motion was seconded by Councilmember Lee and ultimately passed by unanimous roll call vote.

Mayor Hardison pointed out that part of the appeal has to do with bulk and that many of the homes occupied by opposing residents are two-story. She questioned how the bulk of their homes could be acceptable, while the applicant’s would not be, and explained that she could not disapprove a project having a floor area ratio that has been acceptable in other projects.

Prior to roll call vote, Senior Principal Planner Gibson clarified that, depending on the grade, the project silhouette is approximately eight to ten feet higher than the roof on the applicant’s existing home. He affirmed residents’ abilities to petition the City Council for an overlay district within the Hillside Overlay District to place further limitations on FARs.

City Attorney Fellows advised that the CC&Rs for the Hillside Overlay District could be modified to include further limitations on FARs. He invited interested parties to contact the City Attorney’s office should they wish to do so.

The motion for approval of the project as recommended by the Planning Commission was passed by unanimous roll call vote.

Senior Principal Planner Gibson confirmed that the project plans show that the tree referred to by shall remain. However, he explained that, since vegetation is not addressed in the Hillside Overlay District, the City cannot assure that the tree between the subject property and

329 Calle de Andalucia (MacKinnon residence) will remain but it is expected that the tree will remain through the plan check and inspection processes.

City Clerk Herbers read aloud the number and title of Resolution No. 98-135.

MOTION: Councilmember Nakano moved for the adoption of Resolution No. 98-135. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

RESOLUTION NO. 98-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 6, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY, SINGLE-FAMILY RESIDENCE WITH A F.A.R. EXCEEDING 0.5 ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT AT 331 CALLE DE ANDALUCIA

14b. **RESOLUTION RE HAZARDOUS MATERIALS FEES**

Recommendation

The Fire Chief recommends that, after a public hearing, the City Council adopt a resolution amending the Hazardous Materials Fees for the City of Torrance as reflected in the staff report.

Supplemental written material of record included an October 12, 1998 memorandum addressed to the City Council from Fire Marshal Hall transmitting Resolution No. 98-136 and an October 12, 1998 memorandum addressed to the City Council from Fire Marshal Hall transmitting responses to questions posed regarding this item.

City Clerk Herbers verified that this item was properly advertised.

In answer to questions from the Council, Fire Marshal Hall clarified that the Mobil Oil Refinery does not require less work; that the amounts being reported, and not the number of chemicals being used at the Refinery decreased; that the addition of flammables increases the work load; and that three major companies would be the most affected by the adjustments.

MOTION: Councilmember Walker moved to close the public hearing. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote.

City Clerk Herbers read aloud the number and title of Ordinance No. 98-136.

MOTION: Councilmember Nakano moved for the adoption of Resolution No. 98-136. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

RESOLUTION NO. 98-136

Wendy Selogie
Recording Secretary

City Council
October 13, 1998

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
REPEALING SECTION 7 OF RESOLUTION NO. 94-91 AND ENACTING
A NEW RESOLUTION SETTING CERTAIN FEES FOR USES, PERMITS,
INSPECTIONS AND PROGRAMS FOR THE FIRE DEPARTMENT

Councilmember Cribbs stated her appreciation of Fire Marshal Hall's efforts in responding to questions posed by the Council.

18. **ADDENDUM MATTERS**

None.

19. **ORAL COMMUNICATIONS**

19a. Councilmember Messerlian asked staff to examine the parking requirements for Price-Costco.

19b. Councilmember O'Donnell shared information on safe outgoing mail and check ordering procedures distributed by a local bank as a precaution against recent criminal activities.

20. **EXECUTIVE SESSION**

Considered earlier in the meeting (see page 1).

21. **ADJOURNMENT**

At 8:50 P.M., the meeting was adjourned to Thursday, October 15, 1998, 11:30 A.M., for a joint meeting with the Library Commission, and to Tuesday, October 20, 1998, 5:30 P.M., for a closed session, to be followed by the regular meeting at 7:00 P.M.

Mayor of the City of Torrance

ATTEST:

City Clerk of the City of Torrance